

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent, No. 2:96-cr-0088 GEB DAD

vs.

CALS IFENATUORA, ORDER AND
Movant. FINDINGS AND RECOMMENDATIONS

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Movant is a former federal prisoner proceeding pro se with a motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. A recent court order was served on movant's address of record and returned by the postal service. It appears that movant has failed to comply with Local Rule 182(f), which requires that a party appearing in propria persona inform the court of any address change. Accordingly, this court will recommend dismissal of movant's motion due to his failure to keep the court apprised of his current address. See Local Rules 182(f) and 110 (E.D. Cal. 2010). In light of this recommendation, respondent's October 28, 2010 motion for an order advising movant of possible consequences of the characterization of the instant motion, which was styled as a motion for writ of error coram nobis, as a § 2255 motion will be denied without prejudice.

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In accordance with the above, IT IS HEREBY ORDERED that respondent's October 28, 2010 motion is denied without prejudice; and

IT IS HEREBY RECOMMENDED that:

1. Movant's May 20, 2010 amended § 2255 motion be dismissed for movant's failure to keep the court apprised of his current address; and
 2. The Clerk of the Court be directed to close the companion civil action, No. 2:10-cv-1366 GEB DAD.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the objections shall be filed and served within fourteen days after service of the objections. Movant is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order.

Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: November 2, 2010.

Dale A. Drozd
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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